

AUGUST 15, 1958

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The City Council of the City of Idaho Falls, met in Regular Session, Friday August 15<sup>th</sup>, 1958 at 8:00 P.M. in the Council Chambers at Idaho Falls, Idaho. Present were Mayor John B. Rogers; Councilmen Foote, Petersen, Johnson, Freeman. Also present were Roy C. Barnes, City Clerk; Arthur L. Smith, City Attorney; Claud Black, City Engineer; Bert Brown, Fire Chief.

The minutes of a Recessed Meeting, held August 7<sup>th</sup>, and August 8<sup>th</sup>, 1958, and a Special Meeting held August 11<sup>th</sup>, 1958 were read and approved as amended.

It was moved by Councilman Petersen, seconded by Johnson, that a little more time be taken to further study the back hoe bids before a successful bidder is selected. Roll call as follows: Ayes, 4; No, None; carried.

The following applications for BARTENDERS licenses and APPRENTICE GAS FITTERS licenses were presented as follows: BARTENDERS PERMIT: James I. Roland, Patrick J. Boylan; APPRENTICE GAS FITTERS, previously approved by the Gas Inspector, Oscar Arnold, Myron F. Oliver. It was moved by Councilman Johnson, seconded by Petersen, that the permits and licenses be granted. Roll call as follows: Ayes, 4; No, None; carried.

An application for a CAB DRIVERS license for James Roland, was presented. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted, subject to the approval of the Chief of Police. Roll call as follows: Ayes, 4; No, None; carried.

An application for a PHOTOGRAPHERS license for Robert H. Christensen and L. E. Erickson at J. C. Penney Co. was presented. It was moved by Councilman Johnson, seconded by Petersen, that the license be granted. Roll call as follows: Ayes, 4; No, None; carried.

**RESOLUTION (Resolution No. 1958-19)**

WHEREAS, the City of Idaho Falls, did, under and pursuant to the provisions of Chapter 29, Title 50, Idaho Code, and by deed of the City Treasurer dated the 20<sup>th</sup> day of November, 1952, recorded in Book 85 of Deeds at Page 281, records of Bonneville County, Idaho, acquire title to and possession of the following described real property, to-wit:

West Nineteen (19) feet of Lot Twenty (20), all of Lot Twenty-one (21) and East Twenty (20) feet of Lot Twenty-two (22), in Block Twenty-seven (27) South Park Addition to the City of Idaho Falls, per the recorded plat thereof.

WHEREAS, BURNETT CLARK has offered to pay to the City of Idaho Falls the amount for which said property was sold to the City, together with all the installments of assessments subsequent to the one for which said property was sold and then due, together with penalties and interest thereon;

NOW, THEREFORE, BE IT RESOLVED:

That the Mayor and City Clerk be, and they hereby are, authorized and directed, upon the payment of said sum of money by said purchaser to make, execute and deliver to the said BURNETT CLARK a deed to said property, pursuant to the provisions of Section 50-2921, Idaho Code.

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PASSED BY THE COUNCIL this 15<sup>th</sup> day of August, 1958.  
APPROVED BY THE MAYOR this 15<sup>th</sup> day of August, 1958.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ John B. Rogers  
MAYOR

This Resolution together with a City redemption tax deed was presented. It was moved by Councilman Petersen, seconded by Johnson, that the Mayor and City Clerk be authorized to sign both instruments. Roll call as follows: Ayes, 4; No, None; carried.

ORDINANCE NO. 923

AN ORDINANCE VACATING AND CLOSING AN UNUSED EASEMENT IN BLOCK EIGHT OF MARTIN ADDITION TO THE CITY OF IDAHO FALLS, IDAHO, FOR THE SOLE AND EXCLUSIVE USE OF GRANT B. SHIPPEN AND MERLIN W. BARNES, THEIR HEIRS AND ASSIGNS; PARTICULARLY DESCRIBING SAID LAND; PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

The foregoing Ordinance was read in title. It was moved by Councilman Johnson, seconded by Petersen, that the provisions of Section 50-2004 of the Idaho Code requiring all ordinances to be fully and distinctly read on three several days be dispensed with. The question being, "SHALL THE PROVISIONS OF SECTION 50-2004 OF THE IDAHO CODE REQUIRING ALL ORDINANCES TO BE READ ON THREE SEVERAL DAYS BE DISPENSED WITH?" Roll call as follows: Ayes, 4; No, None; carried. The majority of all the members of the Council present having voted in the affirmative, the Mayor declared the rule dispensed with and ordered the Ordinance placed before the Council for final consideration the question being, "SHALL THE ORDINANCE PASS?" Roll call as follows: Ayes, 4; No, None; carried.

Mr. Roy C. Barnes, City Clerk  
City Building  
Idaho Falls, Idaho

Re: Phase 2, Interceptor Sewers  
Idaho Falls Record #B-1288-2

Dear Roy:

Please find attached hereto an advertisement for this project to the Public Health Service on Friday, August 8, and expect approval within two weeks. If, for example, the approval required a full two weeks, we could advertise on August 25, and open bids September 8. In any event, we will call you immediately upon receipt of this approval and establish the date for the bid opening. I hope this will prevent the trouble we caused you the last time we wanted to advertise.

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Sincerely yours,  
Cornell, Howland,  
Hayes & Merryfield

Don F. Lloyd  
Project Engineer

Encl: 1

**ADVERTISEMENT FOR BIDS**

Sealed unit price proposals for the construction of Phase 2 Interceptor Sewers addressed to the Mayor and City Council, City of Idaho Falls, Idaho, will be received at the office of the Mayor in the City Hall, Idaho Falls, Idaho, until 8 P.M. Mountain Standard time on the \_\_\_ day of \_\_\_\_\_, 1958, and then will be publicly opened and read.

The work contemplated consists of a system of interceptor sewers to conduct wastes from the north and west portions of Idaho Falls to the site of a sewage treatment plant proposed by the City. Major items of work include the furnishing and placing of approximately 7,017 lineal feet of 48-inch concrete sewer pipe, 3,725 feet of 30-inch concrete sewer pipe, 2,843 lineal feet of 24-inch concrete sewer pipe, 12 railroad under-crossings, 4 highway under-crossings, and 6 control manhole structures to divert storm flows to the river, together with the necessary manholes and other appurtenances.

The work will be awarded to the one responsible bidder submitting the lowest acceptable bid.

Plans and specifications may be examined at the office of Cornell, Howland, Hayes, and Merryfield, Consulting Engineers, 628 Idaho Building, Boise, Idaho, or at the office of the City Engineer, Idaho Falls, Idaho. A copy of said documents may be obtained at the above offices upon a deposit of Forty Dollars (\$40.00) for each document. The full amount will be refunded if said documents are returned in good condition within fifteen (15) days after the date of the bid opening. Additional copies of said documents may be obtained at the above offices upon a deposit of an additional Thirty dollars (\$30.00) for each additional copy, Twelve dollars (\$12.00) of which will be refunded if said copies are returned in good condition within fifteen (15) days of the bid opening.

Each proposal must be submitted on the prescribed form and be accompanied by a certified check, cashier's check, or bid bond payable to the City of Idaho Falls, Idaho, in an amount not less than five per cent (5%) of the amount bid.

The successful bidder will be required to furnish security for faithful performance of the contract in full amount of the contract price.

The right is reserved to reject any and all proposals, to postpone the award of the contract for a period not to exceed thirty (30) days, and to accept that proposal or proposals as are to the best interests of the City of Idaho Falls, Idaho.

Dated this \_\_\_ day of \_\_\_\_\_, 1958.

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CITY OF IDAHO FALLS, ID.

s/ \_\_\_\_\_  
Roy C. Barnes, City Clerk

It was moved by Councilman Johnson, seconded by Petersen, that at the proper time, the City Clerk be authorized to publish the foregoing advertisement for bids on Phase II of the Sewer Project. Roll call as follows: Ayes, 4; No, None; carried.

The City Clerk read the following letters:

342 East 15th Street  
Idaho Falls, Idaho  
August 15, 1958

City Council  
City of Idaho Falls  
Idaho Falls, Idaho

Gentlemen:

The second elders quorum of the Idaho Falls Eighth Ward of the Church of Jesus Christ of Latter Day Saints maintains a missionary fund as part of its quorum activities. As a project to raise and maintain funds for this activity the quorum is desirous of obtaining permission from the City of Idaho Falls to stencil house numbers on the curbing in front of the homes of the Eighth Ward members. This would cover the area from Boulevard to Holmes Avenue, and from 14<sup>th</sup> Street to 20<sup>th</sup> Street.

We are aware that this project is usually undertaken by one of the service clubs of the City and therefore, we are planning to restrict our activities to the above mentioned areas.

Your prompt attention will be appreciated.

Sincerely,  
Second Elders Quorum  
s/ Robert Clements  
President

It was moved by Councilman Johnson, seconded by Foote, that permission be granted for the curb stenciling project. Roll call as follows: Ayes, 4; No, None; carried.

MEMORANDUM

TO: The Honorable Mayor and City Council  
FROM: Richard D. Adams, Sr. Sanitarian  
SUBJECT: Stewart Sheep Co., Eagle Rock Street

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Due to the numerous complaints, the above named Company was previously sited into court for maintaining a public nuisance. At that time, the case was continued and the defendant instructed to abide by whatever decision the City Council deemed necessary to correct the situation.

As to this date, the decision of the Council has not been carried out by the concerned. Complaints are still being received by this office.

On Wednesday, August 13<sup>th</sup>, a complaint was received that the basement of the building at 365 Eagle Rock Street was being flooded. Investigation found a broken water line coming from under the Steward Sheep Co. was flooding this basement. The occupants of the building stated that on numerous occasions, this basement had been damaged by drainage from the hide operation next door.

I am asking that the Council takes decisive and severe action on this matter at the earliest possible moment.

Respectfully submitted,  
s/ R.D. Adams  
Richard D. Adams  
Senior Sanitarian

The foregoing letter was read by the City Clerk. No formal action was taken but Councilman Johnson volunteered to contact Mr. Stewart in this regard.

The Mayor presented a request from the Assistant City Engineer to purchase 7400 feet of 12" pipe and fittings in the amount of \$43,222.20, estimated to be the amount of materials for the water line on 17<sup>th</sup> Street from Juniper Drive to St. Clair Road and St. Clair Road from First Street to 17<sup>th</sup> Street. It was moved by Councilman Freeman, seconded by Petersen, that authority be granted to proceed. Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Petersen, seconded by Foote, that Rappleye Park be put up for sale and advertised accordingly, to sell any right, title and interest in said property. Roll call as follows: Ayes, 4; No, None; carried.

It was moved by Councilman Petersen, seconded by Foote, that thirty feet of City owned property between the Boy Scout property and new Clinic on 4<sup>th</sup> Street be advertised for sale. Roll call as follows: Ayes, 4; No, None; carried.

The Mayor reported that the upper dam is badly in need of repairs which is estimated by Mr. Woody Arrington to cost 10 to 15 thousand dollars. It was felt that this is an emergency situation, that time is of the essence, and that because of the nature of the work, it would be very difficult to bid on. It was moved by Councilman Petersen, seconded by Johnson, that the Mayor be authorized to negotiate a contract and to select the contractor. Roll call as follows: Ayes, 4; No, None; carried.

The City Attorney reported that there is a constantly growing dog problem, particularly in the new sub-division. The Council felt that a good majority of the people would look with favor on a leash law. It was moved by Councilman Petersen, seconded by Johnson, that the City Attorney be instructed to draft such an ordinance with the understanding that, if passed, the question would be placed on the ballot at the next election to ascertain whether or not the law would continue. Roll call as follows: Ayes, 4; No, None; carried.

Councilman Foote advised the Council that Mr. Pete Hill, Airport Manager, wishes to build a new building at the Airport, just north of the present hangar, to be 60' by 80' in size. It was moved by

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Councilman Johnson, seconded by Petersen, that authority be granted to lease a sufficient amount of ground for this purpose. Roll call as follows: Ayes, 4; No, None; carried.

The John A. Thompson petition was presented and the following excerpt from the August 7<sup>th</sup> Meeting of the Board of Adjustments was read.

“A petition for John A. Thompson, 324 3<sup>rd</sup> Street, having been signed by 75% of the surrounding property owners, was presented. The petition requested that Mr. Thompson be allowed to extend his home 3 feet closer to his property line. This will improve the appearance of the home and would not be too out of line as there are 4 or 5 homes existing with this condition in that area. Therefore, the Board recommends that this appeal be granted.”

It was moved by Councilman Freeman, seconded by Johnson, that Mr. Thompson’s request be granted. Roll call as follows: Ayes, 4; No, None; carried.

The Conrad and Bischoff petition was presented and the following excerpt from the August 7<sup>th</sup> Meeting of the Board of Adjustments was read.

“A petition by Wayne Conrad and Rex Bischoff for change of zone from R-3 to C-2 was presented. It was their wish to build a service station on Lots 41, 42, 43, and 44, Block 11, Capitol Hill Addition to the City of Idaho Falls. After discussion the Board rejected this request for two reasons; the first reason being that the property owners directly across from the above location did not sign the petition; the second reason being that the Mayor and Council desire to hold the first five lots on both sides of Holmes Avenue to an R-3 zone as a buffer for the residential area on the east and to be reasonably positive of appropriate in-the-future construction on the remaining area.”

It was moved by Councilman Freeman, seconded by Johnson, that the Board’s recommendation be accepted, thereby denying the request for a service station at this location. Roll call as follows: Ayes, 4; No, None; carried.

The Clyde Hess petition was presented and the following excerpt from the August 7<sup>th</sup> Meeting of the Board of Adjustment was read.

“A petition by Lamar Staker for change of zone from R-P to R-1 of Lots 31, 32, 33 and 34, inclusive, Block 28, Broadbeck’s Addition to the City of Idaho Falls was presented. Mr. Staker wishes this change to enable the building of 2 homes. The Board moved and seconded that this request be denied as the surrounding area is zoned R-P which requires 100 feet frontage for residence and R-1 requires 60 feet frontage for residences, City of Idaho Falls Zoning Ordinance No. 852, Section IV.”

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The Mayor said there were certain parties that could not appear this night to discuss this request with the Council and therefore requested that the petition be tabled, to which the Council agreed.

The Ingram Smith petition was presented and the following excerpt from the August 7<sup>th</sup> Meeting of the Board of Adjustments was read.

“A petition from Ingram Smith, North Colorado Avenue, to develop a plot of ground for 6 trailer home sites was presented. This property is now zoned R-1 and would have to be changed to HC zoning to permit such a development. The entire area surrounding the proposed development would be R-1 zoning constituting spot zoning which is not recommended. After further study of this location, the Board found that the new Interstate highway would be constructed through the center of this proposed development. It was the understanding of the Board that the land in this area was now being appraised and bought for the new highway. The Board decided it would not justify Mr. Smith to develop this area for such a short time and it was moved and seconded that Mr. Smith’s request be denied.”

It was moved by Councilman Petersen, seconded by Foote, that the Board’s recommendation be approved, thus denying the request for a trailer court site at the location indicated. Roll call as follows: Ayes, 4; No, None; carried.

The Charlotte Braman petition was presented and the following excerpt from the August 7<sup>th</sup> Meeting of the Board of Adjustments was read.

“Mr. Charlotte W. Braman, 380 Broadway, presented an appeal to build a 4-plex apartment on Lots 25, 26, 27, Block 3, Dwight’s Addition to the City of Idaho Falls, Idaho. He had the street frontage required but was short 700 feet in lot area. This petition was signed by over 75% of adjacent property owners. The Board took into consideration the new building would be an asset to this area plus it should promote more such buildings. The fact that this property is just a block from the railroad yards was also taken into consideration and the Board recommended Mr. Braman’s request be granted.”

It was moved by Councilman Johnson, seconded by Petersen, that Mr. Braman’s request be granted. Roll call as follows: Ayes, 4; No, None; carried.

There being no further business, it was moved by Councilman Johnson, seconded by Petersen, that the Council adjourn. Carried.

ATTEST: s/ Roy C. Barnes  
CITY CLERK

s/ John B. Rogers  
MAYOR

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